



1642
Attorney Docket No. 009621-39189

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July 8, 2002
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Praveen Calderon 7/8/02
(Signature and Date)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of:

David Henry Small and Lisa Fodero

: Art Unit : 1642

Serial No. : ⁰⁵¹10/053,653

: Examiner : Unassigned

Filed : January 17, 2002

Title : METHOD FOR THE DIAGNOSIS OF
ALZHEIMER'S DISEASE AND OTHER
PRION RELATED DISORDERS

JUL 18 2002

TECH CENTER 1600/2900

Assistant Commissioner for Patents and Trademarks
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

COPY OF PAPERS
ORIGINALLY FILED

Sir:

In accordance with 37 C.F.R. 1.97-1.99, applicants respectfully request that the following references be made of record in the above-identified application:

United States Patents
5,200,324

Issued
April 6, 1993

Inventor(s)
Navaratnam *et al.*

Foreign Patents
WO 99/15695

Published
April 1, 1999

Inventor(s)
Small *et al.*

Copies of the aforementioned publications are submitted herewith along with a completed form PTO-1449. The references are listed on form PTO-1449.

Navaratnam *et al.* discloses a screening method for Alzheimer's Disease based on the detection of an anomalous isoform of AChE in the cerebrospinal fluid (CSF).

only be dealt with by adopting an arbitrary set of conditions to avoid false readings, the disclosure is in no way suggestive that an effective test could be based on BuChE.

Small *et al.* teaches a diagnostic test for Alzheimer's Disease that is based on the presence of glycosylated AChE in the CSF. The test is a comparative determination of the ability of AChE to bind to Con A and wheat germ agglutinin (WGA) since it binds differently and the binding ratios can be utilized to identify the glycosylation pattern. There is nothing in the determination taught by Small *et al.* that would suggest that a similar assay based on BuChE as claimed in the above-identified patent application would be efficacious. To the contrary, it is well known in the art that AChE and BuChE have substantially different glycosylation patterns. Hence, although as is taught in the present specification, a diagnostic test for Alzheimer's based on BuChE might operate in a similar manner to one based on AChE, there is no suggestion in Small *et al.* that it would work. This is particularly true when it is considered that Small *et al.* in conducting their assay specifically remove BuChE from the test sample.

The above citations do not constitute an admission that the references are relevant or material to the claims; they are cited only as constituting the closest art of which applicant is aware. As such, it is respectfully submitted that the Claims presented for examination define patentable subject matter thereover. Favorable consideration on the merits is respectfully requested.

Fees

Pursuant to 37 C.F.R. §1.97(c), since this Information Disclosure Statement is submitted before the mailing of the first Office Action on the merits or within three months of the filing date for the above application, no fees are believed to be necessitated by this Information Disclosure Statement. Should any fee be required, please charge the required fee to Deposit Account No. 03-3839.

Thank you for your consideration.

Date: July 8, 2002



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Form PTO-1449

U.S. Department of Commerce
Patent and Trademark Office

Atty. Docket No.

009621-39189

Serial No.

10/053,653



INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Applicant: David Henry Small and Lisa Fodero

Filing Date: January 9, 2002

Art Unit: 1626

U. S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Sub-class	Filing Date If Appropriate
	5 2 0 0 3 2 4	04-06-93	Navaratnam et al.			

FOREIGN PATENT DOCUMENTS

*Examiner Initial	Office	Foreign Patent Document Document Number	Date of Publication of Cited Document	Name of Patentee or Applicant of Cited Document.	Class	Sub-class	Translation
	WO	9 9 1 5 6 9 5	01-04-99	Small et al.			Yes No

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Page, Etc.)

Examiner

Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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